



# County of Fairfax, Virginia

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September 3, 2014

## STAFF REPORT

**SPECIAL PERMIT SP 2014-SP-097**

### SPRINGFIELD DISTRICT

**APPLICANTS/OWNERS:** Huan Nguyen  
Mary (Anh) Nguyen

**STREET ADDRESS:** 6716 Stonecutter Drive, Burke 22015

**SUBDIVISION:** Cherry Run

**TAX MAP REFERENCE:** 88-1 ((7)) 63

**LOT SIZE:** 8,925 square feet

**ZONING DISTRICT:** R-3C

**ZONING ORDINANCE PROVISION:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of addition 23.5 feet from the rear lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2014-SP-097 for the addition with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

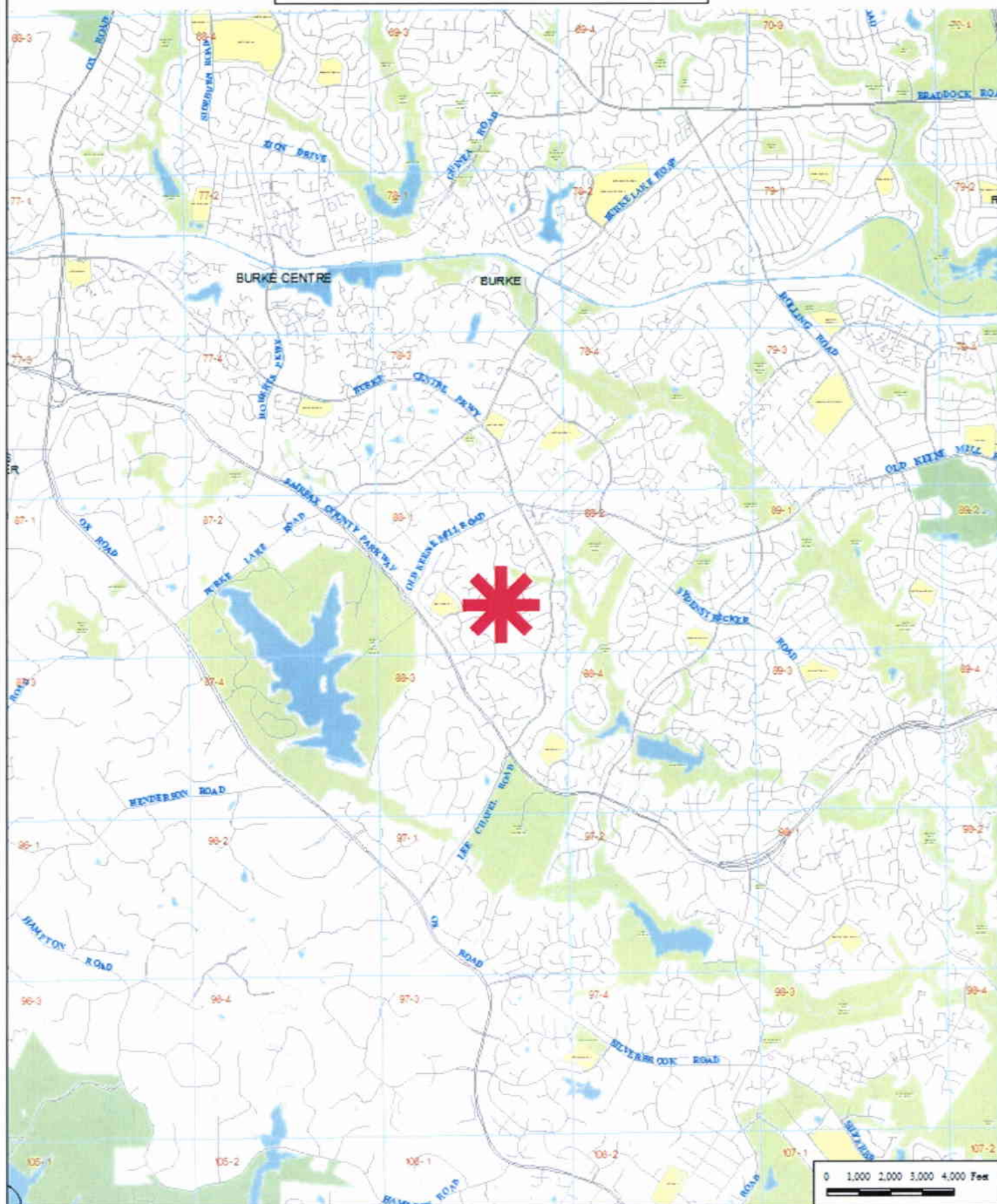
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

NGUYEN, HUAN & MARY (ANH)

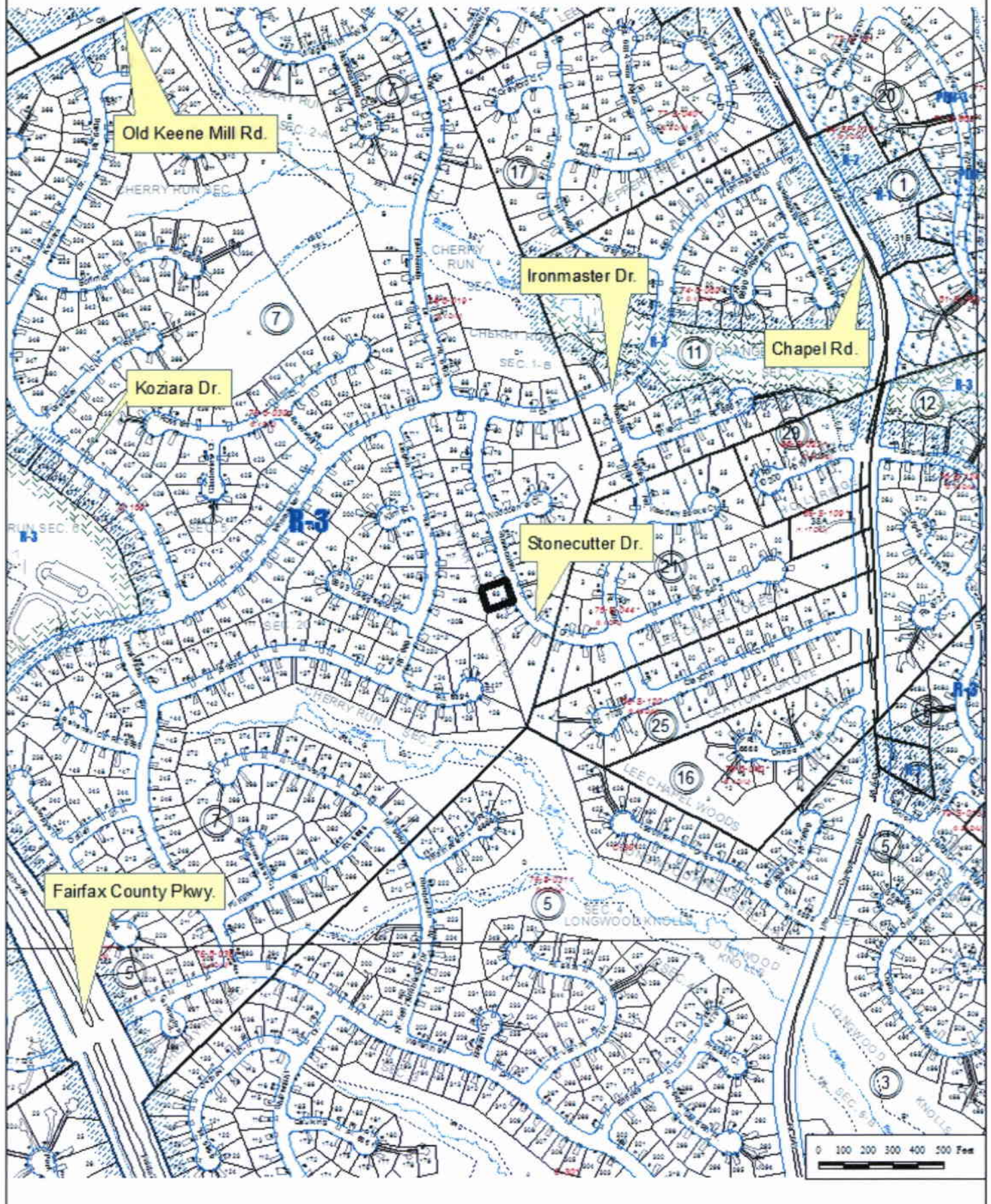




# Special Permit

SP 2014-SP-097

NGUYEN, HUAN & MARY (ANH)







































## SPECIAL PERMIT REQUEST

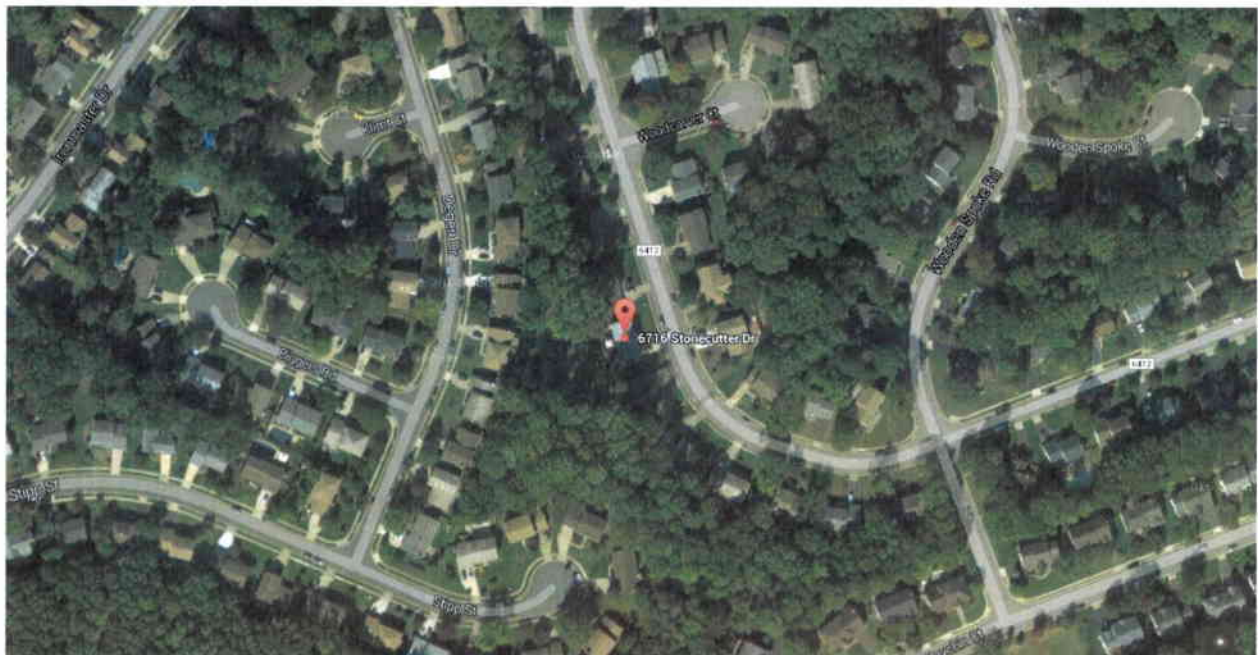
The applicant is seeking approval of a special permit to allow a reduction of certain yard requirements to permit construction of an addition 23.5 feet from the rear lot line.

A copy of the special permit plat titled "Plat, House Location, Lot 63, Section 1B, Cherry Run," prepared by Thomas G. Lutke, Land Surveyor, dated January 12, 2014, is included in the front of the staff report.

A more detailed description of the proposal is provided on page two.

## CHARACTER OF THE SITE AND SURROUNDING AREA

The 8,925 square foot lot contains a split foyer brick dwelling with an attached one-car garage and a full basement. A concrete driveway provides access to the lot from Stonecutter Drive. A front stoop is located on the east side of the dwelling. A brick walkway leads from the driveway to a brick patio and wood deck located at the rear of the dwelling. A stone wall 1.0 feet in height and a fountain are located in the front yard. A picket fence 4.0 feet in height is located along a portion of the southern lot line. The property has a manicured lawn and landscaping.



The subject property and surrounding properties are zoned R-3 under cluster subdivision provisions of the Zoning Ordinance and are developed with single family detached dwellings.



## **BACKGROUND AND HISTORY**

Fairfax County Tax Records indicate that the single family dwelling was constructed and purchased by the applicants in 1979.

Since the adoption of the Zoning Ordinance, similar special permit and variance applications have been heard by the Board of Zoning Appeals for nearby properties as shown in Appendix 4.

## **DESCRIPTION OF THE APPLICATION**

The applicant is requesting approval of a special permit for a reduction of certain yard requirements to permit construction of an addition, a sunroom, 23.5 feet from the rear lot line. The required rear yard dictated by the R-3C requirements is 25 feet. Therefore, the applicant is requesting a reduction of 1.5 feet, or 6.0 percent.

The applicant proposes to remove the existing deck and replace it with a new deck approximately 6.0 feet in height. Most of the deck would be enclosed as a sunroom addition approximately 463.2 square feet in size and with a total height of 15.0 feet. The sunroom would be constructed to the rear of the existing dwelling. The exterior of the addition would be subordinate in height and size to the existing dwelling.

## **ANALYSIS**

### **Comprehensive Plan Provisions**

**Plan Area:** III

**Planning Sector:** Pohick, PO 06 Middle Run

**Plan Map:** 3 dwelling units per acre

### **Zoning Ordinance Requirements**

- *Sect. 8-006* General Special Permit Standards
- *Sect. 8-903* Group 9 Standards
- *Sect. 8-922* Provisions for Reduction of Certain Yard Requirements

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 5. Subject to development conditions, the special permit must meet these standards.

### **Sect. 8-006 General Special Permit Standards**

Staff believes that the application for the addition meets all of the 8 General Special Permit Standards. Of particular note regarding this application is General Standard 3.

*General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. Staff believes by observation of the neighborhood through submitted photographs and aerial photography that the construction of the addition will not adversely affect the use or development of neighboring properties. The addition would be to the rear of the dwelling, and would be subordinate in size and height. Therefore, staff believes this standard has been met.*

### **Sect. 8-922 Provisions for Reduction of Certain Yard Requirements**

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

*Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. The existing dwelling is 3,149 square feet in size. Therefore 150% of the total gross floor area could result in additions up to 4723.5 square feet in size for a possible total square footage at build out of 7,872.5 square feet. The proposed addition that is the subject of the special permit is approximately 463 square feet, for a total square footage of the house with the addition of 3,612 square feet. Therefore the application meets this provision.*

*Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings and pictures submitted indicate that the materials, size and scale of the proposed addition will be compatible with the dwelling. Staff believes that the application meets this provision.*

*Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. Through testimony submitted by the applicant, and aerial photography, staff has confirmed that the sunroom is similar to other structures in the neighborhood in terms of its height, scale and architecture. Therefore, staff believes the addition will be harmonious with surrounding off-site uses and meets this provision.*



*Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the proposed sunroom will not impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air or safety. The sunroom is to be to the rear of the dwelling and subordinate in size and height to the existing dwelling. Therefore, staff believes the application meets this provision.*

*Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. Staff believes the request to build the sunroom is a modest request. The structure would encroach into the rear yard by 1.5 feet and be almost entirely over a previously disturbed area. The size of the structure will be subordinate to the existing dwelling. Issues of slopes, vegetation and trees, Resource Protection Areas, wells, and/or floodplains, and historic resources are not applicable to this site. Staff believes the application meets this provision.*

## **CONCLUSION**

Staff believes that the request is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

## **RECOMMENDATION**

Staff recommends approval of SP 2014-SP-097 for the addition with adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

**APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Similar Case History
5. Applicable Zoning Ordinance Provisions



**PROPOSED DEVELOPMENT CONDITIONS****SP 2014-SP-097****September 10, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-SP-097 located at Tax Map 88-1 ((7)) 63 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of the addition (463 square feet in size, 15 feet in height), as shown on the plat titled, "Plat, House Location, Lot 63, Section 1B, Cherry Run," prepared by Thomas G. Lutke, Land Surveyor, dated January 12, 2014, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (3,149 square feet existing + 4,723.5 square feet (150%) = 7,872.5 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 30 months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is



filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



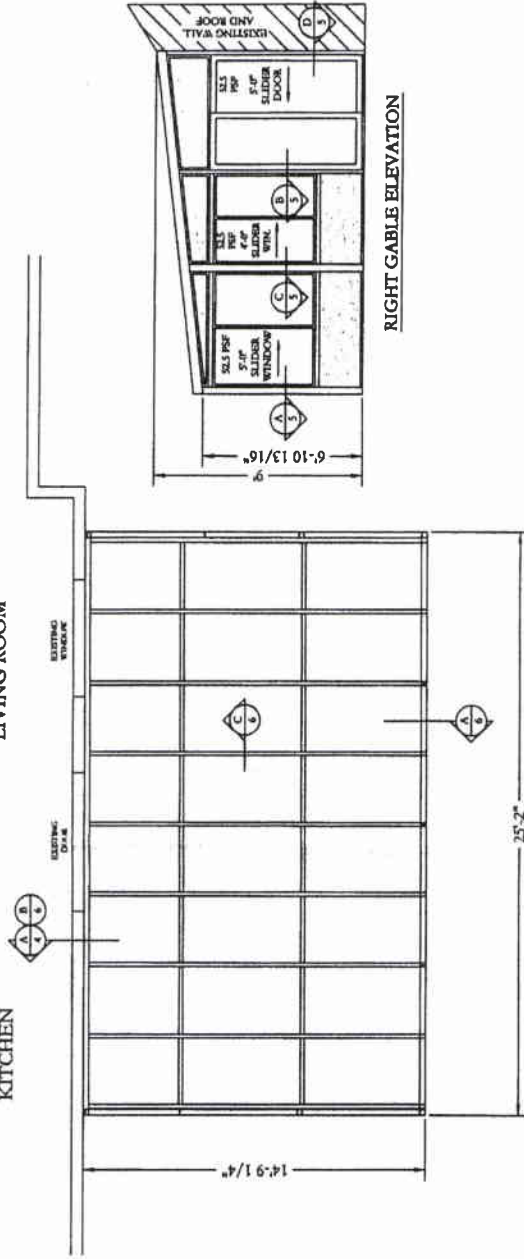




EXISTING HOUSE AND  
OPENINGS TO REMAIN

EXISTING  
LIVING ROOM

EXISTING  
KITCHEN

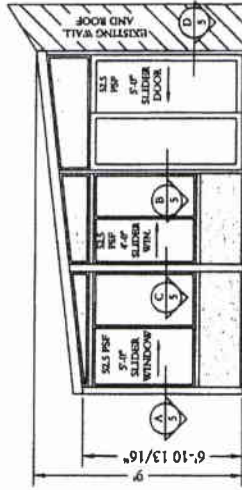


NOTES:

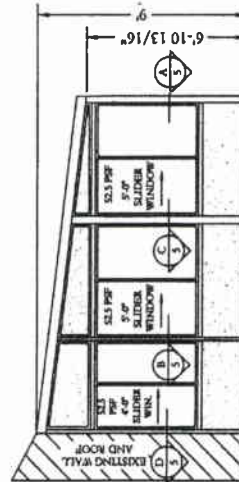
- 1-ALL CONDITIONS/DIMENSIONS TO BE VERIFIED IN THE FIELD.
- 2-ACTUAL FILL MAY DIFFER FROM AMOUNT SHOWN.

SCALE:  
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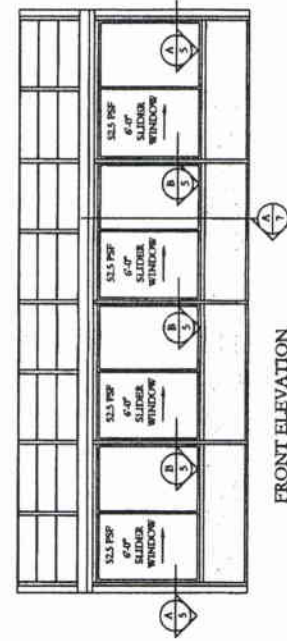
RIGHT GABLE ELEVATION



PLAN VIEW



LEFT GABLE ELEVATION



FRONT ELEVATION

**EMC2 STRUCTURAL**  
DESIGN INC.  
10000 W. CHURCH DR.  
SUITE 100  
CHANDLER, AZ 84948  
TEL: 480-948-1111  
FAX: 480-948-1112  
WWW.EMC2STRUCTURAL.COM

**PROFESSIONAL ENGINEER**  
LAWRENCE FUCHER  
NO. 000007  
CHANDLER, AZ 84948

**PROJECT ENCLOSURE FOR:**  
NGUYEN RESIDENCE  
ADDRESS: 10000 W. CHURCH DR.  
SUITE 100  
CHANDLER, AZ 84948

**REVISION**  
REVISION: N/A  
REV. DATE: N/A

**SCALE:**  
SEE DETAILS

**PAGE:**  
3

**OF 8**

**APPROVAL**  
10/16/13

**CONTRACTOR**  
LAWRENCE FUCHER  
NO. 000007

**THE ATTACHED AFFIDAVIT**

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**HAS NOT BEEN APPROVED**

**BY THE OFFICE OF THE COUNTY ATTORNEY**



Application No.(s):

SP 2014-SP-097

(county-assigned application number(s), to be entered by County Staff)

Att. sent to  
Jo Ellen Groves  
2/10/14

### SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11-22-13  
(enter date affidavit is notarized)

I, BETH JOHNSTON (TOTAL REMODELING SYSTEMS), do hereby state that I am an  
(enter name of applicant or authorized agent)

(check one) ☐ applicant  
☒ applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
ELIZABETH A. JOHNSTON (TOTAL REMODELING SYSTEMS)	3113 VALLEY AVE, SUITE 100 WINCHESTER, VA 22601	AGENT
HUAN NGUYEN (OWNER)	6716 STONECUTTER DR. BURKE, VA 22015	OWNER

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

**(NOTE:** Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.



Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner**, **Limited Partner**, or **General and Limited Partner**)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

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1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.



Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Five

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)**

NONE

**(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)**

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

**WITNESS the following signature:**

(check one)

☐ Applicant

☒ Applicant's Authorized Agent

ELIZABETH A. JOHNSON, PRODUCTION ASSISTANT  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 29 day of JANUARY, 2014, in the State/Comm. of VIRGINIA, County/City of Winchester.

My commission expires: 08/31/2017

Leighanne Zeigler  
Notary Public  
LEIGHANNE ZEIGLER  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #302003  
My Commission Expires Aug. 31, 2017

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page \_\_\_\_\_ of \_\_\_\_\_

**Special Permit/Variance Attachment to Par. 1(a)**

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

**(NOTE:** All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
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(check if applicable)

☐ There are more relationships to be listed and Par. 1(a) is continued further on a "Special Permit/Variance Attachment to Par. 1(a)" form.



Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page \_\_\_\_ of \_\_\_\_

**Special Permit/Variance Attachment to Par. 1(b)**

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

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**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

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**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

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(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page \_\_\_\_\_ of \_\_\_\_\_

**Special Permit/Variance Attachment to Par. 1(c)**

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,  
General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued further on a  
"Special Permit/Variance Attachment to Par. 1(c)" form.



Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page \_\_\_\_\_ of \_\_\_\_\_

**Special Permit/Variance Attachment to Par. 2**

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

(check if applicable)

☐ There are more financial interests in the subject land to be listed and Par. 2 is continued further on a "Special Permit/Variance Attachment to Par. 2" form.

**Special Permit/Variance Attachment to Par. 3**

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

(check if applicable)

☐ There are more disclosures to be listed for Par. 3, and Par. 3 is continued further on a "Special Permit/Variance Attachment to Par. 3" form.





*We Install Sunshine!*

## APPENDIX 3



**FOUR SEASONS**  
SUNROOMS & WINDOWS  
*Independently Owned & Operated*

Phone: (540)678-3700 Fax: (540)678-1973  
3113 Valley Ave., Ste. 100, Winchester, VA 22601

From: E.A. Johnston (Production Assistant)  
Total Remodeling Systems, LLC  
3113 Valley Ave., Ste. 100  
Winchester, VA 22601  
540-535-8017

RECEIVED  
Department of Planning & Zoning  
FEB 04 2014  
Zoning Evaluation Division

Re: Nguyen Special Permit Application Statement of Justification for 6716 Stonecutter Dr., Burke VA

### Statement of Justification

Dear Sir or Madam,

Per the county special permit application requirements, this document describes the proposed use and details pertaining to our client's permit request.

The applicant requests approval for the addition of a Four Seasons Sunroom (patio enclosure) to the rear of an existing residence; the proposed sunroom will measure approximately 14.75' D by 31.17' W and will exceed the rear-yard setback limits by 1.5' (or 6% of the total normal allowable rear-yard setback of 25').

The Nguyens are extending their Sunroom length parallel to their home in order to capture the Master Bathroom area so the bathroom can be accessed from the Sunroom. This will greatly improve the accessibility of the master bathroom for the home owners (a retired couple), as well as prevent family and guests from having to walk around the entire 2nd floor to get to the bathroom. The proposed addition will provide bathroom access, 2nd floor flow, and will allow a naturally Sunlit Living Space and kitchen.

The proposed Sunroom will be long. As not to create a fuselage-shaped room (long and narrow) they would like to increase the depth of the Sunroom to better blend into the existing 2nd floor room sizes. The proposed Sunroom would not extend out any further than their existing deck, and can therefore utilize the existing deck's support structure. As a result, the required depth increase (for Room Size Consistency) encroaches into the rear setback by 1.5' (18").

Finally, there will be no environmental impact from this larger addition, nor will the addition block any neighbors' views.

We therefore respectfully request an 18" relief of the rear yard setback, which is well below 50% of the available yard. This will still allow a 23.5' distance from the Sunroom to the rear property line.

Thank you in advance for your approval,

Beth Johnston  
Production Assistant  
Total Remodeling Systems, LLC

# Similar Case History

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## Group: 93-S-153

### VC 93-S-153

**APPLICANT:** GERALD F WHITE  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION DTE:** 03/09/1994  
**ZONING DISTRICT:** R-3  
**DESCRIPTION:** PERMIT CONSTRUCTION OF ADDITION 21.2 FT. FROM REAR LOT LINE (25 FT. MIN. REAR YARD REQ.)  
**LOCATION:** 6557 GLADEVIEW COURT  
**TAX MAP #S:**  
 0881 07 0427

## Group: 94-S-052

### VC 94-S-052

**APPLICANT:** FRYKMAN, RICHARD M. & DIANE M.  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION DTE:** 07/13/1994  
**ZONING DISTRICT:** R-3  
**DESCRIPTION:** PERMIT CONSTRUCTION OF ADDITION 6.8 FT. FROM SIDE LOT LINE SUCH THAT SIDE YARDS TOTAL 16.8 FT. (8 FT. MIN. SIDE YARD REQ., 20 FT. MIN. SIDE YARD TOTAL REQ.)  
**LOCATION:** 9754 REHANEK COURT  
**TAX MAP #S:**  
 0881 07 0154

## Group: 2003-SP-130

### VC 2003-SP-130

### STAFF REPORT

**APPLICANT:** RICHARD BRUCE & KAREN HOUCK KUTCH  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION DTE:** 11/26/2003  
**ZONING DISTRICT:** R-3  
**DESCRIPTION:** TO PERMIT CONSTRUCTION OF ADDITION 20.0 FEET WITH EAVE 19.0 FEET FROM REAR LOT LINE  
**LOCATION:** 6659 OLD BLACKSMITH DRIVE  
**TAX MAP #S:**  
 0881 07 0006



**Group: 2004-SP-105****VC 2004-SP-105****STAFF REPORT**

**APPLICANT:** MARY A PETTIT TR  
**STATUS:** WITHDRAWN  
**STATUS/DECISION DTE:** 09/08/2006  
**ZONING DISTRICT:** R-3  
**DESCRIPTION:** TO PERMIT CONSTRUCTION OF ADDITION 19.8 FEET WITH EAVE 18.8 FEET FROM REAR LOT LINE  
**LOCATION:** 6668 OLD BLACKSMITH DRIVE  
**TAX MAP #S:**  
0881 07 0046

**Group: 2014-SP-097****SP 2014-SP-097**

**APPLICANT:** NGUYEN, HUAN & MARY (ANH)  
**STATUS:** READY FOR HEARING  
**STATUS/DECISION DTE:** 09/03/2014  
**ZONING DISTRICT:** R-3  
**DESCRIPTION:** REDUCTION IN CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 23.5 FEET FROM REAR LOT LINE  
**LOCATION:** 6716 STONECUTTER DRIVE, BURKE, VA 22015  
**TAX MAP #S:**  
0881 07 0063

**Group:**

**APPLICANT:** JOHN S. & DONNA H. DUCKWORTH  
**STATUS:** RETURNED  
**STATUS/DECISION DTE:** 02/04/2003  
**ZONING DISTRICT:** R-3  
**DESCRIPTION:** TO PERMIT CONSTRUCTION OF ADDITION 18.7 FEET FROM FRONT LOT LINE  
**LOCATION:** 9501 TINKER COURT  
**TAX MAP #S:**  
0881 11 0040

**Group: 94-S-094****VC 94-S-094**

**APPLICANT:** BRONAUGH, JOSEPH TAYLOR AND ELIZABETH S.  
**STATUS:** APPLICATION APPROVED  
**STATUS/DECISION DTE:** 10/11/1994  
**ZONING DISTRICT:** R-3  
**DESCRIPTION:** PERMIT CONSTRUCTION OF ADDITION 21.0 FT. FROM REAR LOTLINE (CLUSTER) 8 DAYS WAIVED  
**LOCATION:** 6612 SADDLEHORN COURT  
**TAX MAP #S:**  
0881 11 0011

Group: 2007-SP-065

**SP 2007-SP-065**

[STAFF REPORT](#)

**APPLICANT:** DANIEL G. & CYNTHIA L. TAYLOR

**STATUS:** APPLICATION APPROVED

**STATUS/DECISION DATE:** 08/14/2007

**ZONING DISTRICT:** R-3

**DESCRIPTION:** TO PERMIT REDUCTION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION  
TO PERMIT ACCESSORY STORAGE STRUCTURE TO REMAIN 6.2 FEET FROM SIDE LOT LINE  
AND REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT CONSTRUCTION OF ADDITION 17.0  
FEET FROM REAR LOT LINE

**LOCATION:** 9510 TINKER COURT

**TAX MAP &:**

0881 11 0039

## **8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.



### **8-903 Standards for All Group 9 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

### **8-922 Provisions for Reduction of Certain Yard Requirements**

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
  - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
  - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
  - C. Accessory structure location requirements set forth in Sect. 10-104.
  - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic



field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
  - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).

- H. If applicable, the location of a well and/or septic field.
  - I. Existing and proposed gross floor area and floor area ratio.
  - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - K. The location, type and height of any existing and proposed landscaping and screening.
  - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
  - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.